

REMARKS

This application has been carefully reviewed in light of the Office Action dated September 4, 2003 (Paper No. 17). Claims 2 to 11, 14 to 24, 26, and 28 to 33 are in the application, of which Claims 1, 12, 13, 25 and 27 have been cancelled, Claims 2 to 4, 9, 10 and 14 have been amended, and Claims 29 to 33 have been added herein. Claims 14, 26, 28, 29, 32 and 33 are the independent claims. Reconsideration and further examination are respectfully requested.

Initially, the Office Action indicates that the drawings on file are informal. Applicant believes that the drawings are in the correct format and may be forwarded to the draftsman.

Claims 1 to 28 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,664,948 (Dimitriadis). In this regard, the cancellation of Claims 1, 12, 13, 25 and 27 without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejections is believed to render moot the rejections of these claims. Reconsideration and withdrawal of the foregoing rejections are respectfully requested.

With specific reference to specific claim language, independent Claim 14 recites a method of displaying items of information on a display apparatus comprising a display unit and a user interface, wherein each item of information has an associated priority which is a function of time. The method comprises the steps of (a) scheduling items of information in accordance with values of the priorities, (b) generating a user interrupt in response to a user interacting with the user interface, (c) clearing the scheduled items of information in response to the user interrupt, (d) estimating a time when the user will finish interacting with the user interface, (e) rescheduling items of information in

accordance with the values of the priorities at the estimated time, (f) repeating steps (d) to (e), if the user is still interacting with the user interface at the estimated time, and (g) displaying the scheduled information according to priority, if the user is not interacting with the user interface at the estimated time.

Independent Claims 26 and 28 are apparatus and computer readable medium claims, respectively, that correspond generally to the method of independent Claim 14.

The applied art is not seen to disclose or suggest the features of independent Claims 14, 26 and 28, and in particular, is not seen to disclose or suggest at least the features of generating a user interrupt in response to a user interacting with the user interface, clearing the scheduled items of information in response to the user interrupt, estimating a time when the user will finish interacting with the user interface, rescheduling items of information in accordance with the values of the priorities at the estimated time, repeating the clearing and estimating steps, if the user is still interacting with the user interface at the estimated time, and displaying the scheduled information according to priority, if the user is not interacting with the user interface at the estimated time.

Dimitriadis relates to the delivery of data, including preloaded advertising data. Dimitriadis is seen to teach that advertising data can be transmitted to a receiving device, such as travel information device 40 and collected and stored there in memory resource 90 (column 2, lines 1-6; Figure 2). The receiving device then intermittently presents the stored advertising data (column 2, lines 8-10). These presentations are triggered by a variety of functions, including a time schedule, current device location, or to receiving device events such as power-up (column 2, lines 12-17). In this manner, the

method of Dimitriadis requires only a single broadcast of an advertisement, but permits multiple presentations of such advertisements by the presenting device.

Dimitriadis is seen to have two distinct processes. The first process is the preloading of advertising information (as illustrated in the flow charts of Figs. 6 and 7). The second process is the advertisement presentation processing illustrated in Figure 8. As described at column 8, lines 24-30, advertising information can be downloaded into device 40 during low system activity times, e.g. at night, because the advertising information need not be presented immediately upon collection by device 40.

The presentation of advertisement is illustrated in Figure 8 of Dimitriadis. A background process checks current conditions and scan condition lists stored in memory resource 90 for any advertisements having condition lists that match the current condition. If a condition match is found, the corresponding advertisement is queued for presentation.

Applicant has carefully reviewed Dimitriadis and can find no teaching or suggestion of any means whereby the queue of that advertisement for presentation can be amended. Thus, it is seen that when an advertisement has been placed in the queue for presentation, it will remain in the queue. A problem may arise if the device 40 is unable to present the advertisements in the queue. If there is a delay in presentation of the advertisements, then the advertisements in the queue may no longer match the prevailing conditions.

Thus, Dimitriadis is not seen to teach or suggest the rescheduling taught in the present application and recited in the independent claims. It is respectfully submitted that to infer any such rescheduling from the description of Dimitriadis is to resort to impermissible hindsight based upon Applicant's disclosure.

The Office Action, on page 3, states that "the Examiner interprets: *'Stored advertising information entries may be presented, for example by reference to a time schedule, to current receiving device location, or to receiving device events such as power-up...'* as suggesting 'rescheduling items of information in accordance with the values of the priorities at a time after termination of the user input.'" Applicant respectfully contends that the cited passage of Dimitriadis is entirely silent on rescheduling but is merely seen to relate to scheduling. It is submitted that the Office Action is considering each element of the claim in isolation, without due regard for the interaction between the steps of the method claims which define, in broad terms, a scheduling step, a checking step, and if necessary, a rescheduling step.

The Office Action cites Dimitriadis for allegedly teaching the step of generating a user interrupt in response to a user interacting with the user interface and clearing the scheduled items of information in response to the user interrupt. The Office Action specifically points to Dimitriadis' teaching that display 100 present "tuning and station selection information relative to the voice radio receiver 60" (column 5, lines 37-51). However, this portion of Dimitriadis is seen to only teach FM radio tuning as well as volume control, and does not concern the generation of user interrupts, muchless clearing the scheduled items of information in response to a user interrupt.

In fact, the Office Action concedes that "Dimitriadis lacks an explicit recitation of 'generating a user interrupt in response to a user interacting with the user interface.'" However, the Office Action makes the assertion that generating a user interrupt would have been obvious to one of ordinary skill in the art at the time of the invention in view of Dimitriadis because a user interrupt would have provided means "to

make the processor delivering advertising information...more efficient"...because "the advertising information is broadcast only one time and presented multiple times" (see Dimitriadis column 1, lines 60-63).

Applicant respectfully disagrees with this blanket assertion of obviousness based on Dimitriadis' stated goal. Dimitriadis is seen to teach that the process of delivering advertising information to listeners by disseminating advertising information once and having the advertisement presented multiple times (column 1, lines 60-63). However, Dimitriadis makes no mention generation of user interrupts in response to a user interacting with the user interface, clearing scheduled items of information in response to the user interrupt, estimating a time when the user will finish interacting with the user interface, and rescheduling items of information in accordance with the values of the priorities at the estimated time. Applicant respectfully submits that Dimitriadis' broad goal of efficiency does not render these features of the present invention obvious. Rather, the inference of such features in the Office Action is seen to be based only on impermissible hindsight in view of Applicant's disclosure.

Furthermore, Dimitriadis is not seen to teach estimating a time when the user will finish interacting with the user interface and rescheduling items of information in accordance with the values of the priorities at the estimated time. The Office Action contends that Dimitriadis' teaching that device 40 "targets an appropriate time slot" discloses this feature of the present invention (column 6, lines 16-51). However, Dimitriadis's teaching of targeting appropriate time slots relates to the collection of a sequence of linked data packets in order to build a data field 400 of indefinite length (column 6, lines 16-30).

As discussed above, Dimitriadis includes two distinct processes. The first being the preloading of advertising information, and the second being the presentation of advertisements. The description including the phrase "targets an appropriate time slot" relates to the first process, i.e. downloading information from the system 20 to the mobile travel information device 40. In particular, the passage relates to preloading advertising data when such data is too large to include in a single data packet. In this case, a series of data packets may be linked together and delivered to the receiving device 40. In essence, device 40 receives indication that a linked list of data packets is required.

Where an advertisement consists of multiple data packets, the receiving device 40 must successively target each next packet in the list to collect the sequence of link data packets and thereby build a data field of indefinite length (column 6, lines 19-24). The "appropriate time slots" cited in the Office Action relate to the time-division multiplex protocol used by the paging system that transfers data from radio station 20 to receiving device 40. This preloading of advertisement data is entirely independent of the action of a user interacting with the user interface. As mentioned above, such large volume data transmissions may be downloaded into devices 40 during times of low system activity, such as night time (column 6, lines 26-30). Accordingly, Applicant submits that the cited passage is entirely silent on estimating a time when the user will finish interacting with the user interface.

Accordingly, Dimitriadis' targeted time slots are not seen to be estimates of time when the user will finish interacting with a user interface. Furthermore, Dimitriadis is not seen to teach that items of information are rescheduled in accordance with values of the priorities at the targeted "appropriate time slot", and displaying the scheduled information

according to priority, if the user is not interacting with the user interface at the estimated time, but rather, Dimitriadis is seen to teach that these time slots are used under the time-division multiplex protocol to collect the sequence of linked data packets to build a data field (column 6, lines 16-30).

As such, Dimitriadis is not seen to disclose or suggest the foregoing combination of features of independent Claims 14, 26 and 28, and they are therefore believed to be allowable.

According to another aspect of the present invention, newly-added independent Claim 29 recites a method of scheduling times of information for presentation on an output device. The method comprises the steps of (a) calculating a priority for each item of information at a first time, (b) placing one or more of the items into a schedule in accordance with the calculated priorities, wherein an item having a maximum calculated priority is placed at a first available slot in the schedule, (c) checking whether the output device is being used, and (d) rescheduling the schedule if said checking step indicates that the output device is being used. The rescheduling step further comprises (d)(i) clearing the schedule, (d)(ii) calculating a further priority for each item of information at a second time at which the output device is not being used, and (d)(iii) placing one or more of the items into the schedule in accordance with the further priorities, wherein an item having a maximum further priority is placed at the first available slot in the schedule.

Newly-added independent Claims 32 and 33 are apparatus and computer program product claims, respectively, that correspond generally to independent Claim 29.

The applied art is not seen to disclose or suggest the features of newly-added independent Claims 29, 32 and 33, and in particular, is not seen to disclose or

suggest at least the features of checking whether the output device is being used, and rescheduling the schedule if the checking step indicates that the output device is being used, wherein the rescheduling step comprises the steps of clearing the schedule, calculating a further priority for each item of information at a second time at which the output device is not being used, and placing one or more of the items into the schedule in accordance with the further priorities, wherein an item having a maximum further priority is placed at the first available slot in the schedule.

Referring to the arguments made above with respect to independent Claim 14, Dimitriadis is not seen to check whether an output device is being used and then perform rescheduling if the device is being used. Furthermore Dimitriadis is not seen in any way to teach a rescheduling process that involves clearing the schedule, calculating a further priority for each item of information at a second time at which the output device is not being used, and placing one or more of the items into the schedule in accordance with the further priorities, wherein an item having a maximum further priority is placed at the first available slot in the schedule.


Accordingly, based on the foregoing remarks, newly-added independent Claims 29, 32 and 33 are also believed to be allowable over Dimitriadis.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 77851 v 1